



House of Representatives

General Assembly

File No. 559

January Session, 2001

House Bill No. 6892

House of Representatives, May 2, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING VICTIM IMPACT PANELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-227a of the general statutes is amended by
2 adding subsection (m) as follows:

3 (NEW) (m) If the court sentences a person convicted of a violation
4 of subsection (a) of this section to a period of probation, the court may
5 require as a condition of such probation that such person participate in
6 a victim impact panel program approved by the Court Support
7 Services Division of the Judicial Department. Such victim impact panel
8 program shall provide a nonconfrontational forum for the victims of
9 alcohol-related or drug-related offenses and offenders to share
10 experiences on the impact of alcohol-related or drug-related incidents
11 in their lives. Such victim impact panel program shall be conducted by
12 a nonprofit organization that advocates on behalf of victims of
13 accidents caused by persons who operated a motor vehicle while
14 under the influence of intoxicating liquor or any drug, or both. Such

15 organization may assess a participation fee of not more than twenty-
16 five dollars on any person required by the court to participate in such
17 program.

18 Sec. 2. Subsection (b) of section 54-56g of the general statutes is
19 repealed and the following is substituted in lieu thereof:

20 (b) The court, after consideration of the recommendation of the
21 state's attorney, assistant state's attorney or deputy assistant state's
22 attorney in charge of the case, may, in its discretion, grant such
23 application. If the court grants such application, it shall refer such
24 person to the Bail Commission for assessment and confirmation of the
25 eligibility of the applicant. The Bail Commission, in making its
26 assessment and confirmation, may rely on the representations made by
27 the applicant under oath in open court with respect to convictions in
28 other states of offenses specified in subsection (a) of this section. Upon
29 confirmation of eligibility, the defendant shall be referred to the
30 Department of Mental Health and Addiction Services by the Bail
31 Commission for evaluation and placement in an appropriate alcohol
32 program for one year. Any person who enters the system shall agree:
33 (1) To the tolling of the statute of limitations with respect to such
34 crime, (2) to a waiver of such person's right to a speedy trial, (3) to
35 participate in at least ten counseling sessions in an alcohol program
36 pursuant to this section or, if such person was charged with a violation
37 of subdivision (2) of subsection (a) of section 14-227a, where the ratio
38 of alcohol in the blood of such person was sixteen-hundredths of one
39 per cent or more of alcohol, by weight, to participate in at least fifteen
40 counseling sessions in an alcohol program pursuant to this section, and
41 complete the assigned program, [and] (4) to accept placement in a
42 treatment program upon recommendation of a provider under
43 contract with the Department of Mental Health and Addiction Services
44 pursuant to subsection (d) of this section or placement in a treatment
45 program which has standards substantially similar to, or higher than, a
46 program of a provider under contract with the Department of Mental

47 Health and Addiction Services if the Bail Commission deems it
48 appropriate, and (5) if ordered by the court, to participate in at least
49 one victim impact panel. The suspension of the motor vehicle
50 operator's license of any such person pursuant to section 14-227b shall
51 be effective during the period such person is participating in such
52 program, provided such person shall have the option of not
53 commencing the participation in such program until the period of such
54 suspension is completed. If the Bail Commission informs the court that
55 the defendant is ineligible for the system and the court makes a
56 determination of ineligibility or if the program provider certifies to the
57 court that the defendant did not successfully complete the assigned
58 program or is no longer amenable to treatment, the court shall order
59 the court file to be unsealed, enter a plea of not guilty for such
60 defendant and immediately place the case on the trial list. If such
61 defendant satisfactorily completes the assigned program, such
62 defendant may apply for dismissal of the charges against such
63 defendant and the court, on reviewing the record of the defendant's
64 participation in such program submitted by the Bail Commission and
65 on finding such satisfactory completion, shall dismiss the charges. If
66 the defendant does not apply for dismissal of the charges against such
67 defendant after satisfactorily completing the assigned program the
68 court, upon receipt of the record of the defendant's participation in
69 such program submitted by the Bail Commission, may on its own
70 motion make a finding of such satisfactory completion and dismiss the
71 charges. Upon motion of the defendant and a showing of good cause,
72 the court may extend the one-year placement period for a reasonable
73 period for the defendant to complete the assigned program. A record
74 of participation in such program shall be retained by the Bail
75 Commission for a period of seven years from the date of application.
76 The Bail Commission shall transmit to the Department of Motor
77 Vehicles a record of participation in such program for each person who
78 satisfactorily completes such program. The Department of Motor
79 Vehicles shall maintain for a period of seven years the record of a

80 person's participation in such program as part of such person's driving
81 record.

82 Sec. 3. Section 54-56g of the general statutes is amended by adding
83 subsection (e) as follows:

84 (NEW) (e) The court may, as a condition of granting such
85 application, require that such person participate in a victim impact
86 panel program approved by the Court Support Services Division of the
87 Judicial Department. Such victim impact panel program shall provide
88 a nonconfrontational forum for the victims of alcohol-related or drug-
89 related offenses and offenders to share experiences on the impact of
90 alcohol-related or drug-related incidents in their lives. Such victim
91 impact panel program shall be conducted by a nonprofit organization
92 that advocates on behalf of victims of accidents caused by persons who
93 operated a motor vehicle while under the influence of intoxicating
94 liquor or any drug, or both. Such organization may assess a
95 participation fee of not more than twenty-five dollars on any person
96 required by the court to participate in such program.

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation**State Impact:**

The bill could result in a minimal cost to the Judicial Department that can be absorbed within anticipated budgetary resources. It is anticipated that the \$25 fee instituted by the bill would cover the cost of the panel. However, in cases in which the court would waive the fee for a participant due to indigence, the Judicial Department could be required to pay the fee or the organization operating the program would be required to absorb the cost of additional participation. It is anticipated that this would occur in a small number of cases and that the cost can be absorbed. The court makes about 6,500 referrals per year to the Pre-Trial Alcohol Education System.

OLR Bill Analysis

HB 6892

AN ACT CONCERNING VICTIM IMPACT PANELS.**SUMMARY:**

This bill authorizes courts to order people convicted of driving under the influence (DUI) to participate in a victim impact program as a condition of probation or participation in the pretrial alcohol education program. Potential participants in the pretrial alcohol education program must agree to participate in at least one victim impact program as a condition of participation.

The bill requires the victim impact program to provide a nonconfrontational forum for offenders and victims of drug- and alcohol-related offenses to share the impact offenses have had on their lives. The program must be (1) approved by the Judicial Department's Court Support Services Division and (2) conducted by a nonprofit organization that advocates on behalf of DUI accident victims. The organization can charge a program fee of up to \$25 for court-ordered participants.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Pretrial Alcohol Education Program***

The Pretrial Alcohol Education Program is available to people charged with driving while intoxicated who have not been previously convicted of this or several related crimes. If the person successfully completes the program, the court can dismiss the charge but the driver's participation in the program remains a part of his driving record and in the record of the Bail Commission (which determines whether a driver is eligible for the program) for seven years.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 38 Nay 0